

REMARKS

By the present amendment, Applicant has amended the independent Claims 1, 6, and 7. Claims 1-7 remain pending in the case.

The Examiner objected to Claim 1, lines 8-11, wherein it is recommended that the phrase "a first and second side edge" be changed to -- first and second side edges--. Applicant respectfully requests that the Examiner reconsider this objection. The phrase "a first and second side edge" is used throughout the claim and to merely change one location would alter the syntax of the claim. Furthermore, the phrase is grammatically correct when the word "a" is used.

In the recent Office Action the Examiner rejected the independent Claims 1, 6, and 7 under 35 U.S.C. § 102(b) as being anticipated by Todd (5,253,456). Dependent claims 2 and 5 were likewise rejected. Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Todd ('456), the Examiner contending that the use of metal or plastic for the end caps was obvious.

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

The Examiner rejected the independent claims 1, 6, and 7 under 35 U.S.C. 102(b), as being anticipated by Todd ('456). This rejection is respectfully traversed. Applicant has amended claims 1, 6, and 7 by reciting that the bottom of the end cap is acutely angled as shown in Applicant's Figs. 2-6. In order to assist the Examiner in analyzing the claims, claim 1 has been reproduced below with the elements numbered.

Claim 1. A contoured gutter end cap, comprising:

a front wall 20 having a top edge 22, a bottom edge 24, and a first 26 and second 28 side edge, said front wall being contoured to correspond to the contours of an attached gutter;

an end wall 40 having a top edge 42, a bottom edge 44, a distal edge 48 and a proximal edge 46, said end wall being contoured to correspond to the contours of an attached gutter;

a back wall 60 having a top edge 62, a bottom edge 64, and a first 66 and second 68 side edge, said back wall being substantially vertical and substantially flat; and

a bottom 80 having a front edge 82, a back edge 84, and a first 86 and second 88 side edge, said bottom being substantially horizontal and substantially flat;

wherein said first side edge 26 of said front wall 20 adjoins said distal edge 48 of said end wall 40 and said bottom edge 24 of said front wall 20 adjoins said front edge 82 of said bottom 80;

wherein said proximal edge 46 of said end wall 40 adjoins said first side edge 66 of said back wall 60 and said bottom edge 44 of said end wall 40 adjoins said first side edge 86 of said bottom 80;

wherein said second side edge 88 of said bottom 80 adjoins said second side edge 28 of said front wall 20 and said second side edge 68 of said back wall 60 at an acute angle;
and

wherein said back edge 84 of said bottom 80 adjoins said bottom edge 64 of said back wall 60.

The acutely angled edge 88 as seen in Applicant's Fig.3 results in a perfectly matched relationship between the contours of the end cap and the contours of the front of the gutter. This is analogous to cutting wood or crown molding with a miter joint. Rather than relying on the skill of the gutter installer in making precisely the same 90 degree cuts in both the gutter and the end cap, Applicant's angled bottom 80 and bottom edge 88 result in a "miter-type" joint that ensures that the contours of both the gutter and the end are aligned and aesthetically correct.

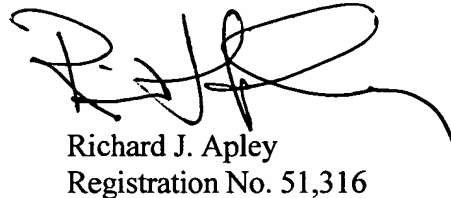
The claims in this application have been revised to more particularly define Applicant's construction in view of the prior art of record. Reconsideration of the claims in light of the amendments is respectfully requested.

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For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. J. Apley', with a long horizontal flourish extending to the right.

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RJA:dht